

REMARKS/ARGUMENTS

The Examiner rejected claims 1-43 under 35 U.S.C. §§101, 112, second paragraph, but indicated that the claims would be allowable if amended to overcome these rejections. Applicants have amended the claims accordingly and respectfully assert that they are now in condition for allowance.

The Examiner rejected claims 1-43 under §101 and §112 for not indicating whether “a user actuates the claimed invention merely by mental steps or uses physical hardware.” Accordingly, Applicants have amended the independent claims to positively recite hardware (e.g., a computer system) that is used to perform the claimed invention. Specifically, Applicants amended independent claim 1 to clarify that the assigning of classification levels is done “by use of a computer system.” Applicants amended independent claim 19 to clarify that the assigning of levels to the objects is done “by use of a computer system.” Applicants amended independent claim 20 to clarify that the means for assigning levels to the objects uses “a computer system.” Applicants amended independent claim 21 to clarify that elements (c) and (d) are performed “by use of a computer system.” Applicants amended independent claim 24 to clarify that the elements of generating a constraint graph, enforcing one or more upper bound security constraints and determining a minimal security classification are performed “by use of a computer.” Finally, Applicants amended independent claim 34 to clarify that the means for generating a constraint graph, enforcing one or more upper bound security constraints and determining a minimal security classification use a “computer system” to perform the respective functions.

Thus, the independent claims now positively recite physical hardware (e.g., a computer system) that is used to perform the claimed invention, as requested by the Examiner in accordance with §§101 and 112, first paragraph.

CONCLUSIONS

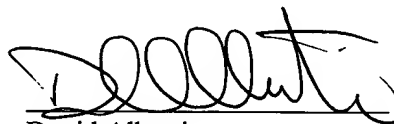
For at least the reasons set forth herein, Applicants respectfully assert that all of claims 1-43 are now in condition for allowance. The Examiner’s early reconsideration is

respectfully requested. If the Examiner has any questions, the Examiner is invited to contact Applicants' attorney at the following address or telephone number:

David Alberti
c/o Patent Department
GRAY CARY WARE & FREIDENRICH LLP
2000 University Avenue
East Palo Alto, CA 94303-2248
Telephone: (650) 833-2052

Respectfully submitted,

Dated: October 21, 2004

A handwritten signature in black ink, appearing to read 'D. Alberti', written over a horizontal line.

David Alberti
Reg. No. 43,465